NOTICE OF PREPARATION

OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE

NORTH SAN JOSÉ DEVELOPMENT POLICIES PROJECT

PROJECT APPLICANT: City of San Jose

FILE NO: <u>GP04-T-03</u>, <u>GP04-04-06/07</u>

APN: (See Attached)

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San Jose Attn: Andrew Crabtree City Hall Annex, Room 400 801 North First Street San Jose, CA 95110-1795 Phone: (408) 277-4576

The Department of Planning, Building and Code Enforcement of the City of San José will hold a Public Scoping Meeting for the EIR to describe the proposed project and the environmental review process and to obtain your verbal input on the EIR analysis for the proposal. This EIR Public Scoping Meeting is **tentatively** scheduled for **6:00 PM Monday**, **November 15, 2004.** A notice with the specific time, date and location will be mailed to you within the next few weeks. You are welcome to attend and give us your input on the scope of the EIR so that it addresses all relevant environmental issues.

Stephen M. Haase, AICP Director, Planning, Building and Code Enforcement

Deputy

Date: October 18, 2004

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San José, California October 2004

A. Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; to examine methods of reducing adverse environmental impacts; and to consider alternatives to the project.

The EIR for the proposed development will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include:

- A summary of the project
- A project description
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures
- Alternatives to the project as proposed
- Environmental consequences, including: (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources, (c) the growth-inducing impacts of the proposed project, (d) effects found not to be significant, and (e) cumulative impacts.

B. Project Location

The location of the proposed project is within the Rincon de los Esteros Redevelopment Area in North San José, which is located generally south of State Route 237 (SR 237), east of the Guadalupe River, north and northwest of Interstate 880 (I-880), and west of Coyote Creek. The regional project location is shown on Figure 1; the project location within Santa Clara County is shown on Figure 2; Figure 3 shows the specific boundaries of the project area and proposed land uses, including the new Urban Industrial Core Area and properties proposed for potential designation as residential land uses. The project location is an established urban area characterized by one- and two-story industrial buildings and warehouses, two- to five-story campus industrial parks with extensive landscaping and large surface parking lots, multi-tenant industrial complexes, and three relatively new high and medium-high density residential projects. Also within the project boundary is a state residential facility for the developmentally disabled, a card club, two mobile home parks, and limited retail commercial/hotel/office development along North First and North Fourth Streets.

Figure 1: Regional Map

Figure 2: Vicinity Map

Figure 3: Proposed Land Uses

C. Description of the Project

The City of San José proposes to modify its relevant plans and policies in order to encourage a greater intensity of development within the existing Rincon de los Esteros Redevelopment Area (Rincon). Under existing policies, development in Rincon has generally been limited to a floor area ratio (FAR) of 0.35, with 0.40 allowed on land within 2,000 feet of LRT stations. Greater intensities have been approved for some developments in the area through the use of transferable floor area credits from properties once designated industrial and redesignated residential, and from the construction of dwelling units within the area. The City proposes to develop new North San José development policies that would provide for additional development capacity and incorporate updated versions of the various existing policy documents pertaining to North San José.

Proposed New Development

The project would allow for the development of approximately 26.7 million square feet of new industrial/office/R&D building space in the Rincon area beyond current entitlements. Of this 26.7 million square feet, 6.7 million represents what would be full buildout of the project area outside the core area under the existing FAR cap policy and 20 million would be the net amount of additional development potential created through the proposed changes to current City policies. This amount of total new development would allow for approximately 83,300 new employees. In addition, up to 24,700 new dwelling units would be allowed in Rincon, at average densities of either 55 or 90 dwelling units per acre (DU/AC) depending upon their location. This would allow a population increase of approximately 56,563 persons. Each of these components is described briefly below.

Additional Industrial Development

Industrial Development Within Core Area

As shown on Figure 3, most of the new industrial/office/R&D development would be concentrated in an industrial "Core Area" located on both sides of North First Street, between Montague Expressway and US 101. This Core Area would ultimately have an overall average FAR of 1.2 with full implementation of the proposed policy changes, as described below. Development within the Core Area will be substantially denser than previous development in North San José. It is intended that this area will be characterized by high-rise structures built close to the street, designed to facilitate pedestrian access to the LRT stations along North First Street, and with parking structures behind them to serve automobile traffic.

The form and amount of industrial/office/R&D development proposed for the industrial Core Area is intended to accommodate the most recent development trend in Silicon Valley. Examples of this type of development include the recently approved eBay project, located near the southerly edge of the Core Area, the Equity Office project, located on the southwest corner of North First Street and Skyport Drive; and similar projects in north Santa Clara (west of the Rincon area).

As shown on Figure 3, the Core Area encompasses almost all of the land generally bounded by Montague Expressway, Zanker Road, Brokaw Road, US 101, and Orchard Parkway in North San José, an estimated total of 591.8 acres. It is proposed that this EIR will cover the development of sixteen million additional square feet distributed across properties within the Core Area resulting in an overall average FAR of 1.2.. Allocation of this square footage would be based upon criteria

¹"Floor area ratio" is the relationship between the total floor area in a building or buildings, and the total surface area of the parcel on which the building or buildings are located. A two-story building with 43,560 square feet of floor area on a one-acre property (an acre having 43,560 square feet) would have an FAR of 1.0.

included within the new Policy, The project would add four million square feet of additional transferable development capacity that could be used either inside or outside of the Core Area and would also be allocated based upon criteria contained in the proposed policy.

Industrial Development Outside Core Area

All properties outside the Core Area that are not redesignated for residential uses would continue to be allowed to develop at an FAR of 0.35, or 0.40 if they are within 2,000 feet of an LRT station. It is estimated that buildout of these properties with these density caps would result in an addition of 6.7 million square feet. The project would add four million square feet of additional transferable development capacity that could be used either inside or outside of the Core Area and would be allocated based upon criteria contained in the proposed policy. The project also includes the conversion of up to 285 acres of existing industrial lands to non-industrial uses.

To summarize, the proposed industrial/R&D development would include the following:

- (1) development resulting from implementation of existing policies for lands outside the Core Area that are and will continue to be designated *Industrial Park* (approximately 6.7 million square feet of new floor area),
- (2) development of an additional 16 million square feet within the Core Area, and
- (3) development of an additional four million square feet that could be built anywhere in Rincon upon assignment from a pool of transferable FAR credits.

The additional square footage would be assigned based on a number of factors, including identified priorities that implement policies such as proximity to transit, timely completion of planned housing units within the Rincon area, and completion of some major new infrastructure elements to serve this new development.

Additional Residential Development

The project would also substantially increase the amount of residential development allowed in North San José. The number of new residential units proposed for North San José as part of this project (approximately 24,700) represents a minimum target number of new dwelling units to support the proposed industrial Core Area development. An additional estimated 7,250 new residential units are anticipated to be built on properties already designated for residential use within the project area. It is estimated that this new residential development in total could house up to 68 percent of the additional work force that would be located in the additional new industrial/office/R&D development. It should be noted that the EIR will not address any specifically proposed residential development but does provide programmatic (General Plan level) clearance for the conversion of industrial lands to residential use.

²This is based on an assumed 1.77 workers per household ratio used by the Association of Bay Area Governments for San José in 2025.

D. Environmental Effects of the Project

The EIR will be both a program level document and a project-specific document, to the extent that impacts of specific development can be identified at this time. Amendments or revisions to existing policy documents, including the City's General Plan, will be addressed at the program level, in conformance with §15146(b) of the CEQA Guidelines. To the extent that a specific amount of development would be permitted by these policy revisions, the impacts of that development will be addressed in this EIR, in as much detail as is presently available. Where the analysis indicates that expanded or new infrastructure will be needed to serve the new additional development, the impacts of constructing the infrastructure, so far as can be determined at this time, will also be addressed. The project EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. The EIR will include at least the following specific environmental categories related to the proposed development:

1) Land Use: The EIR will identify existing land uses in and near the project area, and will specifically identify vacant properties. In addition to general land use categories (industrial, residential, etc.), the existing setting will distinguish between recently built, higher intensity industrial uses and older, less intense developments. Manufacturing uses, especially areas that may use or store substantial quantities of hazardous materials or involve heavy industrial processes, will be identified. The presence of major infrastructure, including transportation, energy, and water facilities, will also be identified.

The EIR will evaluate potential land use constraints created by existing conditions in the project area. Specific impact areas evaluated will include odors, shade and shadow, light and glare, electro-magnetic frequencies (EMF), and visual intrusion. The extent to which the proposed land use changes might impact the viability of existing land uses, particularly the existing industrial uses, will be discussed. Impacts to agriculture and open space will be addressed. Visual impacts, specifically any change in visual character and the possibility of impacts to scenic resources, will be evaluated.

Mitigation for any significant impacts will be identified at the same level of specificity as the project itself. General Plan policies, adopted guidelines, adopted Council policies, ordinances and laws, and infrastructure that are identified in an adopted budget or capitol improvement program will be identified as mitigation, as appropriate.

2) *Transportation:* The EIR will identify both existing and background traffic conditions in the project area, based on the City of San José's and the Santa Clara County Congestion Management Agency's (CMA) methodologies. In addition, a summary of the conditions currently anticipated to occur through the General Plan horizon year will be discussed.

Impacts from the anticipated amount of development will be evaluated. The near term impacts of the first phase of project implementation will be identified, and mitigation evaluated. A far term scenario that includes the anticipated buildout of both the industrial/office/R&D development and the residential development will also be addressed. Anticipated levels of congestion on local roadways, regional roads, and freeways will be characterized in both the near term and far term scenarios. Mitigation measures will be identified as appropriate and may include: roadway widening, intersection expansion/improvement, creation of new roads, freeway widening, freeway interchanges, improvements to transit systems, improvements to pedestrian and bicycle facilities, and implementation of policies designed to influence travel behavior.

3) Air Quality: The EIR will include a setting discussion that identifies the most recent air quality data, current regulatory status, and the Environmental Protection Agency's (EPA)

new ambient air quality standards and will evaluate the impacts of the project. The EIR will document existing sources of air pollution in or near the study area, including mobile sources, stationary sources and sources of toxic air pollutants. Sensitive receptors for air pollutants such as hospitals, convalescent homes and schools near or within the study area will be identified.

The EIR impacts analysis will predict concentrations of carbon monoxide and regional changes in emissions due to the project, based on regional travel data. Impacts related to existing or future toxic air contaminant emissions and proximity to residences will be identified. Construction impacts will be discussed qualitatively. Mitigation measures for long-term and short-term air quality impacts will be addressed, as appropriate.

- 4) *Noise:* The existing noise environment in the project area will be characterized in the EIR and impacts identified based on an environmental noise assessment. Noise measurements will be made of all major noise generators in the area; impacts from aircraft noise will be evaluated using the airport's most current noise monitoring information. Mitigation measures for any significant noise impacts will be identified, as appropriate.
- 5) *Biological Resources:* The EIR will quantify the existing habitats in North San José, and will identify sensitive habitats that could be impacted by the proposed development. The EIR will describe the current situation with respect to Burrowing Owls (listing status, remaining population, etc.), and will address the impacts that would occur if the project as proposed is approved. Mitigation to reduce or avoid any significant impacts will be identified, as appropriate.
- 6) *Cultural Resources:* A cultural resources update will be prepared to reflect the most current knowledge of cultural resources in the North San José area. The EIR will address the impacts that could occur if the project is approved and implemented, and will identify appropriate mitigation measures, as appropriate, in conformance with the standards and guidelines identified in CEQA and the City's General Plan.
- 7) *Geology and Soils:* The EIR will discuss the geologic and soils conditions in the North San José area. Mitigation will be identified as appropriate and including conformance with design-specific geotechnical reports and the Uniform Building Code.
- 8) Hydrology and Water Quality: The EIR will identify historic, existing, and near term future flooding and drainage conditions in the project area. The description will include a summary of Santa Clara Valley Water District improvements projects presently nearing completion in the project area. Impacts of new development and redevelopment in remaining flood plain areas will be addressed in the EIR. The analysis will identify mitigation measures and development standards for areas with flooding and drainage impacts; these measures may include building elevations, below grade parking, and site blockage.
- 9) *Hazardous Materials*: The EIR will identify known contamination from hazardous materials within and near the area proposed for residential redevelopment. The likelihood of hazardous materials impacts affecting any of the newly proposed development will be addressed. Mitigation measures, including conformance with laws and regulations, buffers, and restrictions on hazardous materials usage will be discussed as appropriate.
- 10) *Utilities and Service Systems:* The EIR will describe the status and condition of utility infrastructure in and around North San José. The discussion will summarize the capacity of the systems and their ability to serve the amount of development proposed for North San José, both in the near term and far term scenarios. Utilities and services addressed in this

section will include sanitary sewer lines, water supply, wastewater treatment, stormwater lines, flood control facilities, and sanitary landfill. The EIR will also address the adequacy of electrical and natural gas supplies and transmission infrastructure. This analysis will evaluate the extent to which the future land uses are likely to generate increased demand for the various services, compared to existing land uses.

- 11) *Energy:* The EIR will address the increased demand for energy anticipated from implementation of the project as proposed, and the extent to which the project could promote wasteful or unnecessary use of energy.
- 12) Availability of Public Facilities and Services: The EIR will identify the availability and capacity of public facilities that will be required to serve the proposed project, including both those public services required by all of the future land uses, such as fire and police, and the new demands created by substantial increases in residential development, on facilities such as schools, parks and recreation, and libraries. The discussion will characterize future demand as specifically as possible, and will identify which services are likely to require the construction of new facilities. Because CEQA does not consider increased cost of services to be an environmental impact, only a need for new facilities would usually be identified as having an impact on the physical environment. The likelihood of such new facilities resulting in new, significant environmental impacts will be identified, based on the information available and consultation with the relevant service providers.
- 13) Alternatives to the Project: The EIR will identify and evaluate project alternatives that might reasonably be assumed to reduce project impacts, especially significant impacts. The No Project Alternative is required by law. Other alternatives that may be discussed could include a Reduced Scale Alternative (either less development and/or a smaller project area), Alternative Land Uses (more or less of one or another of the proposed land uses), and an Alternative Location.

The EIR will identify the degree to which each alternative might reduce one or more of the project's impacts, whether or not the alternative could result in other or increased impacts, the viability of the alternative, and the degree to which the alternative is consistent with the project's goals and objectives.

- 14) *Cumulative Impacts:* Given the scope and scale of this project, the cumulative impacts discussion will be based on General Plan projections from the approved General Plans of the Cities of San José, Santa Clara, and Milpitas.
- 15) Other Impacts: The EIR will also include other information typically required for an EIR. These other sections include the following: 1) Growth Inducing Impacts; 2) Significant, Unavoidable Impacts; 3) References; and 4) EIR Authors. Relevant technical reports will be provided in a technical appendix.

County of Santa Clara

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San Jose, California 95110 (408) 299-5665

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2. (□)	NOTICE OF EXEMPTION		Receipt #			
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(□)	\$1300.00 REQUIRED (\$1250.00 STATE FILI	NG FEE AND \$	550.00 COUNTY CLERK FEE)			
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(\$\square\$) \$\frac{\$900.00}{2}\$ REQUIRED (\$850.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)						
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